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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,899	09/30/2003	Dan Jones	45098.00010-ORD-U1	8061

67670 7590 04/08/2009

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EXAMINER	
MOORE JR, MICHAEL J	
ART UNIT	**PAPER NUMBER**
2419	

NOTIFICATION DATE	DELIVERY MODE
04/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/676,899	JONES ET AL.	
	Examiner	Art Unit	
	MICHAEL J. MOORE, JR.	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *87 and 89-104* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *87 and 89-104* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/12/09 has been entered.

Specification

2. The amendment filed 2/12/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The addition of the proposed new matter to paragraph 82 is not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

The amendments made by Applicant to paragraphs 58, 94, and 108 in the current response are considered proper and have been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims **87 and 89-94** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim **87**, on lines 16-18, there was no support found in the originally filed specification for the limitation "identifying and verifying a subset of services selected from the plurality of the services for the conference session and respective service endpoints associated with each of the subset of services in the communications network". Therefore, it is held that this limitation constitutes new matter.

Regarding claims **89-94**, these claims are also rejected as being dependent on claim **87** and containing the same deficiency.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims **87 and 89-104** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (U.S. 6,237,025) (hereinafter "Ludwig") in view of Yoakum et al. (U.S. 7,139,797) (hereinafter "Yoakum") cited in Applicant's previously submitted IDS.

Regarding claim **87**, *Ludwig* teaches the audio/video/data teleconferencing (feature service, conference service) provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

Ludwig also teaches the call negotiation process (authentication service) used for establishment of a multimedia call between endpoints logged in to an audio/video network manager as shown in Figure 23 and spoken of on column 21, line 65 - column 22, line 47.

Ludwig also teaches the setting up (enabling) of required audio/video and data paths between CMWs 12 (user endpoints) by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, line 66 – column 9, line 6.

Ludwig also teaches initiating CMW 12 signaling MLAN server 60 via Data LAN hub 25 identifying the desired conference participants as spoken of on column 8, line 67 – column 9, line 1.

Ludwig also teaches MLAN server 60 that determines which conferees (identifies user endpoints) will accept a conference call request as spoken of on column 9, lines 1-6.

Ludwig also teaches MLAN servers 60 (service endpoints) of the involved MLANs 10 that control their respective A/V switching circuitry 30, conference bridges 35, and WAN gateways 40 to set up appropriate communication paths (identify subset of services) as spoken of on column 9, lines 7-11.

Ludwig also teaches MLAN servers 60 (service endpoints) that communicate with one another via data paths so that each MLAN 10 contains updated information (message routing mesh) as to the capabilities of the system CMWs 12 (user endpoints) as spoken of on column 9, lines 13-17.

Ludwig also teaches the respective MLAN servers 60 (service endpoints) of the involved MLANs 10 of Figures 1 and 4, that control their respective (distributed) A/V switching circuitry 30, conference bridges 35, and WAN gateways 40 (resources) to set up appropriate communication paths via WAN 15 in order to interconnect the conferees as spoken of on column 9, lines 7-12.

Ludwig also teaches the transmission of appropriate audio and video signals (messages) to/from each participant's CMW 12 as spoken of on column 19, lines 35-38.

Ludwig also teaches conference participants that initiate data conferencing services (newly selected service) with selected participant CMWs involved in a videoconference via MLAN server 60 (service endpoint) as spoken of on column 8, lines 20-22 as well as column 26, lines 47-63.

Ludwig does not explicitly teach providing "a presence service" and "a primary service" and "wherein the resources are an instance of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry".

However, *Yoakum* teaches a method of maintaining presence information of users participating in multimedia communication sessions, where a presence system 20 (presence service, primary service) accesses a database (logging service) that is used to store a collection of communication capabilities (presence entries) for various communication devices participating in communication sessions as spoken of on column 5, lines 58-65. *Yoakum* further states on column 5, lines 58-65, how this database (logging service) may be updated (entry replacement) in any fashion and at any frequency.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the presence teachings of *Yoakum* with the teachings of *Ludwig* in order to provide a way to indicate the communication capabilities and availability of a user actively participating in a communication session to other users as spoken of on column 2, lines 30-42 of *Yoakum*.

Regarding claim **89**, *Ludwig* further teaches the addition of one or more parties (temporary conference endpoint) to an existing two-party call as spoken of on column 24, lines 45-53.

Regarding claim **90**, *Ludwig* further teaches the communication path establishment between CMWs at the same location (directly in same domain) spoken of on column 9, lines 1-6.

Regarding claim **91**, *Ludwig* further teaches the communication path establishment between CMWs at distant locations via MLAN servers 60 (intermediate service endpoints) and WAN 15 of Figure 1 as spoken of on column 9, lines 7-12.

Regarding claim **92**, *Ludwig* further teaches the use of software 160 (program) of Figure 20 to initiate and manage collaborative sessions with other users (additional users) as spoken of on column 18, lines 36-42.

Regarding claim **93**, *Ludwig* further teaches the connection provided to a new invited participant CMW as spoken of on column 25, lines 23-32.

Regarding claim **94**, *Ludwig* further teaches the optimal routing for audio/video signals (determining most suitable service endpoint) through the WAN as shown in Figure 4 and spoken of on column 10, lines 61-67.

Regarding claim **95**, *Ludwig* teaches the collaboration system shown in Figure 1 that conducts multiple conference sessions among CMWs 12 of MLANs 10 as spoken of on column 5, line 63 – column 6, line 7.

Ludwig also teaches the CMWs 12 (endpoints) of MLANs 10 shown in Figure 1 as well as the multiple simultaneous conference session capability spoken of on column 37, lines 44-54.

Ludwig teaches the audio/video/data teleconferencing (feature service, conference service) provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

Ludwig also teaches the call negotiation process (authentication service) used for establishment of a multimedia call between endpoints logged in to an audio/video network manager as shown in Figure 23 and spoken of on column 21, line 65 - column 22, line 47.

Ludwig also teaches initiating CMW 12 (endpoint) signaling MLAN server 60 via Data LAN hub 25 identifying the desired conference participants as spoken of on column 8, line 67 – column 9, line 1, as well as MLAN servers 60 (service endpoints) that communicate with one another via data paths so that each MLAN 10 contains updated information (message routing mesh) as to the capabilities of the system CMWs 12 (user endpoints) as spoken of on column 9, lines 13-17.

Ludwig also teaches the simultaneous conferencing involving a user roaming from one active conference session to another active conference session as spoken of on column 37, lines 32-54.

Ludwig does not explicitly teach providing “a presence service” and “a primary service” and “wherein the services are an instance of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry”.

However, *Yoakum* teaches a method of maintaining presence information of users participating in multimedia communication sessions, where a presence system 20 (presence service, primary service) accesses a database (logging service) that is used to store a collection of communication capabilities (presence entries) for various communication devices participating in communication sessions as spoken of on column 5, lines 58-65. *Yoakum* further states on column 5, lines 58-65, how this database (logging service) may be updated (entry replacement) in any fashion and at any frequency.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the presence teachings of *Yoakum* with the teachings of *Ludwig* in order to provide a way to indicate the communication capabilities and availability of a user actively participating in a communication session to other users as spoken of on column 2, lines 30-42 of *Yoakum*.

Regarding claim **96**, *Ludwig* further teaches the audio, video, text, graphics, and mail capabilities provided in the collaboration system of Figure 1 as spoken of on column 8, lines 41-49.

Regarding claim **97**, *Ludwig* further teaches the tracking of party location spoken of on column 9, lines 13-17.

Regarding claim **98**, *Ludwig* teaches the collaboration system shown in Figure 1 that conducts multiple conference sessions among CMWs 12 of MLANs 10 as spoken of on column 5, line 63 – column 6, line 7.

Ludwig also teaches the CMWs 12 (endpoints) of MLANs 10 shown in Figure 1.

Ludwig teaches the audio/video/data teleconferencing (feature service, conference service) provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

Ludwig also teaches the call negotiation process (authentication service) used for establishment of a multimedia call between endpoints logged in to an audio/video network manager as shown in Figure 23 and spoken of on column 21, line 65 - column 22, line 47.

Ludwig also teaches the adding or removing of participants from a session as spoken of on column 21, lines 55-64.

Ludwig also teaches the additional collaborative services such as mail, application sharing, etc. available for CMWs of a session as spoken of on column 19, lines 47-54.

Ludwig does not explicitly teach “a presence service” and “a primary service” and “wherein the services are an instance of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry”.

However, *Yoakum* teaches a method of maintaining presence information of users participating in multimedia communication sessions, where a presence system 20 (presence service) accesses a database (logging service) that is used to store a collection of communication capabilities (presence entries) for various communication devices participating in communication sessions as spoken of on column 5, lines 58-65.

Yoakum further states on column 5, lines 58-65, how this database (logging service) may be updated (entry replacement) in any fashion and at any frequency.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the presence teachings of *Yoakum* with the teachings of *Ludwig* in order to provide a way to indicate the communication capabilities and availability of a user actively participating in a communication session to other users as spoken of on column 2, lines 30-42 of *Yoakum*.

Regarding claim **99**, *Ludwig* further teaches the additional collaborative services such as mail, application sharing, etc. available for CMWs of a session as spoken of on column 19, lines 47-54.

Regarding claim **100**, *Ludwig* further teaches the use of software 160 (program) of Figure 20 to initiate and manage collaborative sessions with other users (additional users) as spoken of on column 18, lines 36-42.

Regarding claim **101**, *Ludwig* further teaches the selection of appropriate audio and video signals to be transmitted to/from each participant's CMW as spoken of on column 19, lines 29-37.

Regarding claim **102**, *Ludwig* further teaches the database access services spoken of on column 8, line 47-49.

Regarding claim **103**, *Ludwig* further teaches the audio file access service spoken of on column 8, lines 47-49.

Regarding claim **104**, *Ludwig* further teaches the video file access service spoken of on column 8, lines 47-49.

Response to Arguments

8. Applicant's arguments filed 2/12/09 have been fully considered but they are not persuasive.

Regarding Applicant's amendment attempting to add new matter to paragraph 82 to the specification, Applicant argues that Examiner did not point out with reasonable adequacy the basis to challenge the written description. Applicant further argues that the exact language being challenged is found in claim **1**, which is part of the disclosure.

Referring to Applicant's originally filed claim **1** (now cancelled), what is claimed is "a collaborative communication system, comprising: a plurality of endpoints configured to engage in a collaborative communication session; and a plurality of media switches, each of the plurality of media switches configured to route messages associated with the collaborative communication session between the plurality of endpoints". It is not seen by Examiner how this language exactly corresponds to the language in the proposed amendment to paragraph 82.

Referring to paragraphs 35, 36, 37, 41, 72, 77, and 86, complete support for the proposed amendment to paragraph 82 was not found. Specifically, Examiner was unable to find any original disclosure of using subsets of services and features or the using of subsets of services to decrease load handling and balancing. While Applicant asserts that this above matter is inherently implied in the many different configurations available to the collaborative architecture described in Applicant's system, it is held that the original disclosure (originally filed specification and claims) is unclear as to how the above matter is necessarily inherent.

Regarding the prior art rejections of record of claims **87 and 89-104** provided in the previous Office Action, Applicant asserts that Examiner has not provided findings of fact regarding the state of the art and teachings of *Ludwig* in relation to Applicant's claims. Applicant further asserts that the invention of *Ludwig* was designed eleven years ago and that while *Ludwig* may have had some foresight, the invention, as developed by Applicant has many features that are neither present nor contemplated in *Ludwig*.

9. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Further, it is held that the Examiner has provided a fairly detailed explanation of particular teachings of *Ludwig* and *Yoakum*, and how these teachings apply to the limitations of Applicant's claims in the previous Office Action as well as above. Further, the added limitations to claims **87 and 89-104** provided in this response do not significantly change the scope of these claims as the added limitations are added in the "alternative only", and thus the previous prior art rejections still apply in the same fashion as provided above.

Regarding *amended* claim **87**, Applicant argues that the section of *Yoakum* cited by Examiner does not teach or suggest "a presence service" and "a primary service" and "wherein the resources are an instance of a conference logging service that is

located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry".

However, as provided in the previous Office Action, *Yoakum* teaches a method of maintaining presence information of users participating in multimedia communication sessions, where a presence system 20 (presence service, primary service) accesses a database (logging service) that is used to store a collection of communication capabilities (presence entries) for various communication devices participating in communication sessions as spoken of on column 5, lines 58-65. *Yoakum* further states on column 5, lines 58-65, how this database (logging service) may be updated (entry replacement) in any fashion and at any frequency.

Applicant further argues that there is no definition for a switch or a database (i.e., does the database belong to the communication system or the presence system?).

Examiner's understanding of the above cited passage of *Yoakum* is that a presence system 20 (presence service, primary service) accesses a database (logging service) in order to gather communication capabilities (presence entries) for various communication devices (associated with particular users) participating in a communication session. The database (logging service) is accessible (published presence) by the presence system 20 and may have its stored communication capabilities updated (entry removal and replacement) in any fashion and at any frequency.

It is held that in view of the above claim language, it does not matter where the database is located, but more importantly that the presence system 20 accesses the database in order to gather presence entries and that the database may have its presence entries updated periodically.

Lastly, regarding the added limitations to claims **87 and 89-104** in this response ("key value pairs"), Applicant states that support for these limitations can be found on pages 4 and 5 of U.S. 2006/0259564. Upon referencing this U.S. application number, it does not appear that this application corresponds to the instant application or recites these features (via incorporation by reference). However, upon review of the originally filed disclosure of the instant application, support for "key value pairs" was found.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. MOORE, JR., whose telephone number is (571)272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached at (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Moore, Jr./
Examiner, Art Unit 2419